

111TH CONGRESS
2D SESSION

H. R. 6184

IN THE SENATE OF THE UNITED STATES

DECEMBER 1, 2010

Received

AN ACT

To amend the Water Resources Development Act of 2000 to extend and modify the program allowing the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. FUNDING TO PROCESS PERMITS.**

2 Section 214 of the Water Resources Development Act
3 of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594; 117 Stat.
4 1836; 119 Stat. 2169; 120 Stat. 318; 120 Stat. 3197; 121
5 Stat. 1067; 123 Stat. 3478) is amended—

6 (1) by striking subsection (a) and inserting the
7 following:

8 “(a) IN GENERAL.—The Secretary, after public no-
9 tice, may accept and expend funds contributed by a non-
10 Federal public entity to expedite the evaluation of a permit
11 of that entity related to a project or activity for a public
12 purpose under the jurisdiction of the Department of the
13 Army.”;

14 (2) by redesignating subsection (c) as sub-
15 section (e);

16 (3) by striking subsection (b) and inserting the
17 following:

18 “(b) EFFECT ON PERMITTING.—

19 “(1) IN GENERAL.—In carrying out this sec-
20 tion, the Secretary shall ensure that the use of funds
21 accepted under subsection (a) will not impact impar-
22 tial decisionmaking with respect to permits, either
23 substantively or procedurally.

24 “(2) IMPARTIAL DECISIONMAKING.—In carrying
25 out this section, the Secretary shall ensure that the

1 evaluation of permits carried out using funds accept-
2 ed under this section shall—

3 “(A) be reviewed by—

4 “(i) the District Commander, or the
5 Commander’s designee, of the Corps Dis-
6 trict in which the project or activity is lo-
7 cated; or

8 “(ii) the Commander of the Corps Di-
9 vision in which the District is located if the
10 evaluation of the permit is initially con-
11 ducted by the District Commander; and

12 “(B) utilize the same procedures for deci-
13 sions that would otherwise be required for the
14 evaluation of permits for similar projects or ac-
15 tivities not carried out using funds authorized
16 under this section.

17 “(c) LIMITATION ON USE OF FUNDS.—None of the
18 funds accepted under this section shall be used to carry
19 out a review of the evaluation of permits required under
20 subsection (b)(2)(A).

21 “(d) PUBLIC AVAILABILITY.—The Secretary shall en-
22 sure that all final permit decisions carried out using funds
23 authorized under this section are made available to the
24 public, including on the Internet.”; and

1 (4) in subsection (e) (as redesignated) by strik-
2 ing “2010” and inserting “2016”.

3 **SEC. 2. COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO**
4 **ACT OF 2010.**

5 The budgetary effects of this Act, for the purpose of
6 complying with the Statutory Pay-As-You-Go Act of 2010,
7 shall be determined by reference to the latest statement
8 titled “Budgetary Effects of PAYGO Legislation” for this
9 Act, submitted for printing in the Congressional Record
10 by the Chairman of the House Budget Committee, pro-
11 vided that such statement has been submitted prior to the
12 vote on passage.

Passed the House of Representatives December 1,
2010.

Attest: LORRAINE C. MILLER,
Clerk.